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RANDALL WULFF

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MANI SUBRAMANIAN, as an individual  
and citizen of Washington, and as a  
derivative action plaintiff,

Plaintiff,

vs.

ST. PAUL FIRE AND MARINE  
INSURANCE COMPANY, a Minnesota  
Corporation, and QAD INC., a Delaware  
Corporation with principal place of  
business in California, and ARTHUR  
ANDERSEN LLP, a limited liability  
partnership headquartered in Chicago,  
Illinois, and ANDERSEN WORLDWIDE  
SC, a Societe Cooperative headquartered in  
Geneva, Switzerland, and JOHN  
DOORDAN, an individual and citizen of  
California, and LAIFOON LEE, an  
individual and Citizen of California, and  
ROLAND DESILETS, an individual and  
citizen of New Jersey, and WILLIAM D.  
CONNELL, an individual an citizen of  
California, and GREENAN PFEFFER,  
SALLANDER and LALLY LLP, a limited  
liability partnership headquartered in  
California, and RANDALL WULFF, an  
individual and citizen of California, and  
DOES 1-50,

Case No. 08-cv-1426-VRW

**[PROPOSED] ORDER GRANTING  
DEFENDANT RANDALL WULFF'S  
MOTIONS TO DISMISS OR, IN THE  
ALTERNATIVE, FOR SUMMARY  
JUDGMENT AND/OR TO STRIKE  
COMPLAINT**

Date: October 9, 2008  
Time: 2:30 p.m.  
Dept: Courtroom 6  
Judge: Hon. Vaughn R. Walker

[PROPOSED] ORDER GRANTING  
WULFF'S MOTION TO DISMISS, ETC.  
Case No. 08-cv-1426-VRW

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Defendants.

Defendant Randall Wulff's Motion to Dismiss or, in the Alternative, for Summary Judgment and/or to Strike Complaint in this action came on regularly for hearing before this Court on October 9, at 2:30 p.m. Having read and considered the papers submitted, and hearing the arguments of counsel and of plaintiff Mani Subramanian, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

Defendant Randall Wulff's Motion to Dismiss is granted; the Complaint against Mr. Wulff is dismissed with prejudice and without leave to amend. Plaintiff Mani Subramanian is barred from suit against Mr. Wulff by *res judicata* based on the earlier dismissal of his claims against Mr. Wulff in Case No. 04-1249, by the California common law doctrine of absolute quasi-judicial immunity, by the statutory "litigation" privilege of California Civil Code § 47(b) and by the *Noerr-Pennington* doctrine.

Defendant Randall Wulff's Motion to Strike the allegations of the Complaint as they relate to him is also granted. The Complaint is barred by California Code of Civil Procedure Section 425.16 because it is based entirely on the protected speech of Mr. Wulff or his attorneys in the context of litigation.

Accordingly, Mr. Wulff's Motion to Dismiss and Motion to Strike are GRANTED in their entirety; the Complaint is dismissed with prejudice and without leave to amend.

IT IS SO ORDERED.

DATED: \_\_\_\_\_, 2008

HON. VAUGHAN WALKER  
UNITED STATES DISTRICT JUDGE